

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

SMITH WHOLESALE
COMPANY, INC., *ET AL.*

v.

R.J. REYNOLDS

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) NO. 2:03-CV-30
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)

ORDER

It is hereby **ORDERED** that the State of Tennessee's motion to alter or amend order denying defendant's motion to dismiss is **GRANTED**. [Doc. 121]. In its motion, the State seeks to modify the Court's statement in its Memorandum Opinion, [Doc. 116], that State had conceded that it could not seek damages for a violation of the TTPA in its *parens patriae* capacity. The Court's Memorandum Opinion is hereby amended to reflect that the State of Tennessee has merely conceded that it does not seek damages for a violation of the TTPA on behalf of its individual citizens, not that it concedes it would not have the ability to legally bring such a claim. This holding does not change the result of this Court's Order, [Doc. 117], incorporating the Court's Memorandum Opinion, and the Memorandum Opinion shall remain in effect in all other respects.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE